

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RASHAAN GOLDEN, #1070308 §
VS. § CIVIL ACTION NO. 6:14cv745
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Rashaan Golden, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus challenging his Smith County conviction for injury to a child. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed for lack of subject matter jurisdiction as a second or successive petition. Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Petitioner are without merit. The present petition is the latest attempt by Petitioner to challenge his conviction. He did not show that the Fifth Circuit granted him permission to file a second or successive petition as required by 28 U.S.C. § 2244. Moreover, the Fifth Circuit's case information website reveals that he has been repeatedly denied permission to file a successive petition. Petitioner's objections do not show that this Court has subject matter jurisdiction to consider his case. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for lack of subject matter jurisdiction. It is further

ORDERED that a certificate of appealability is **DENIED**. It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**. It is finally **ORDERED** that the Clerk of Court shall return unfiled any new petitions for a writ of habeas corpus submitted by Petitioner regarding his conviction unless he shows that he received permission from the Fifth Circuit to file it.

So ORDERED and SIGNED this 17th day of November, 2014.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS", is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left and a smaller loop on the right.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**